

THE NORTHERN IRELAND FEDERATION OF HOUSING ASSOCIATIONS

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27th January 2006

**Mr John Loughrey
Housing Policy Branch
Level 2 James House
2 – 4 Cromac Street
Gasworks Business Park
Ormeau Road
BELFAST
BT7 2JA**

Dear John,

Re: Draft Private Tenancies (Northern Ireland) Order 2005

The Federation represents 44 housing associations which together provide 30,000 affordable homes for people in housing need in Northern Ireland. Our members build about 1,200 homes per year through the social housing development programme and recognise the need for the growth and expansion of a mixed housing market.

In particular we would like to highlight the following key points:

1. The Federation recognises the need for legislation, which takes account of private rented housing in Northern Ireland, to be overhauled and would anticipate that such legislation clarifies the rights and obligations of both landlords and tenants, whilst simultaneously tackling serious levels of unfitness and disrepair.
2. Our members welcome the government's intention to recommend and promote the private rented sector as another affordable and viable housing option.
3. It is important that consideration is given to government proposals that all homes are expected to comply with Decent Homes Standard by 2010 and this must be addressed appropriately, particularly in relation to the private rented sector.
4. Changes must have a substantial impact in meeting the objectives outlined in the draft document. In this respect, any new standards can be difficult to implement and have wide ranging implications for the DSD, the NIHE, local councils and other agencies. All organisations concerned must ensure that all staff are adequately trained and prepared to deal with any issues that may arise under such legislation.
5. Furthermore, the level of work required to introduce any such changes should not be too cumbersome or onerous as this may lead to a reduction in the level of private rented dwellings available.
6. The legislative framework must produce an all encompassing model, whereby it is not simply a measure used to bring old and/or unfit properties up to a standard which may still fall short of what are considered to be reasonable expectations in the 21st century. It should also encourage improvements and clarity in relation to the rights and obligations for both the tenant and landlord.

7. The legislation must include remedies in any cases where a problem within a dwelling may have an adverse affect on another adjoining property, which may be owner occupied or owned by another landlord.
8. The draft consultation refers to a six month default tenancy agreement. However, it does not clearly stipulate what happens after this time has elapsed and whether the tenancy automatically continues for a successive six months.
9. This proposal should ensure that all privately rented accommodation complies with the legal requirements in relation to electricity, fire, gas and furniture.
10. Where a landlord fails to meet his/her obligation, the levels of financial penalties must be given more careful consideration and should be imposed on a case by case basis whilst taking account of the type of work that may be required in order to meet the prescribed fitness standards.
11. We understand that tenancies of dwellings built or converted before 6th November 1956 which are unfit will remain rent controlled. We suggest that consideration be given to a more recent date.
12. In the legal context a contract should have a “fixed term” with a start and end date as agreed by both parties and this cannot be changed. As the draft legislation stands there is nothing set down that requires either party to sign it.
13. We recommend that the proposed Order give explicit details on the landlord’s grounds for withholding deposit and/or issuing a Notice to Quit. It must also state that if a Notice to Quit is to be issued it should be in writing.
14. The draft document also states that where excess rent has been charged on a property which is deemed to be controlled, the tenant can only recover any overpayment for up to two years. This may need some justification in light of the fact that the normal statutory limit for recovery of a debt is six years.

I trust that you will find these points useful and thank you for affording NIFHA the opportunity to respond on this occasion. If you require clarification on any of these issues or would like to have a meeting about this consultation, please do not hesitate to contact me.

Yours sincerely

CHRISTOPHER WILLIAMSON
CHIEF EXECUTIVE

Representing and promoting housing associations in Northern Ireland

Chairperson: Mr Arthur Canning Dip (Est Man) MBEng Chief Executive: Mr Chris Williamson MCIH

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